

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PHYLLIS KENNEDY,	:	
	:	
Plaintiff,	:	Case No. 3:12cv00189
	:	
vs.	:	
	:	District Judge Walter Herbert Rice
CAROLYN W. COLVIN,	:	Chief Magistrate Judge Sharon L. Ovington
Acting Commissioner of the	:	
Social Security Administration,	:	
	:	
Defendant.	:	

ORDER

In December 2012, this case was stayed pending a decision from the United States Court of Appeals for the Sixth Circuit on Plaintiff's appeal concerning the Commissioner's adverse final decision regarding her application for disability insurance benefits filed in 2002. (Doc. #10).

On March 13, 2014, the parties filed a Joint Motion to End Stay and Stipulation for Remand (Doc. #12). In their joint motion, the parties inform the Court that "[t]he Sixth Circuit has issued an Opinion remanding the claim based upon Plaintiff's 2002 application for further proceedings." (Doc. #12, *PageID#* 49). The parties also jointly request:

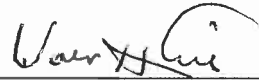
the Court to enter judgment under the fourth sentence of 42 U.S.C § 405(g), reversing the agency's decision on Plaintiff's claims based on her 2008 applications for disability insurance benefits and supplemental security income with remand to the Commissioner for a de novo hearing and further consideration. On remand, Plaintiff's 2008 claims will be consolidated with her 2002 claim, and the consolidated

claims will be considered in light of the Sixth Circuit's opinion in *Kennedy v. Commissioner of Social Security*, Case No. 12-4387 (6th Cir. Oct. 18, 2013).

(Doc. #12, PageID# 50).

Upon review of the parties' motion, it is hereby **ORDERED** that:

1. The parties' Joint Motion to End Stay and Stipulation for Remand (Doc. #12) is **GRANTED**;
2. The Stay is **LIFTED** and this case is **REMANDED** to the Commissioner under Sentence Four of 42 U.S.C. § 405(g) for a de novo hearing and further consideration consistent with this Order and the parties' Joint Motion to End Stay and Stipulation for Remand (Doc. #12); and,
3. This case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge